Independent review of Jobseeker’s Allowance sanctions
Response to call for evidence by the Single Parent Action Network

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Single Parent Action Network

The Single Parent Action Network (SPAN) is a Bristol based charity with a national reach including a membership of over two thousand individuals and groups and an online forum One Space (with 30,000 unique visitors a month). SPAN works with single parents living in poverty to improve their lives. SPAN offers practical support and training including help for parents returning to work. SPAN also carries out research, in 2012 publishing longitudinal research in collaboration with the University of the West of England looking at the experience of single parents transferring to job seeking benefits.

In 2012 and 2013 SPAN published two analysis reports looking at the experience of single parents on the Work Programme (2012 & 2013). This involved interviewing single parents about their experiences including those that had been threatened or received sanctions. In 2013 SPAN gave written and oral evidence to the Work and Pensions Committee Inquiry into the ‘Experience of Different User Groups on the Work Programme’ highlighting concerns about sanctions. SPAN concluded that the threat of sanctions did little to motivate single parents especially where sanctions went against their responsibility to care for their children. At the end of 2013 SPAN carried out a survey of 40 single parents across the UK looking at the provisions of Jobseeker’s Agreements to look on the conditionality that was expected of these parents.

SPAN is well placed to provide evidence to the Independent Review about the experience of single parent’s on back to work schemes at Jobcentre Plus and the Work Programme including positive recommendations for change. Within SPAN’s response are the direct experiences of single parents who have been sanctioned. Although the Review is not focusing on individual user groups single parents are a significant and growing group of claimants and some of the practical solutions for change could be applied to the broader range of claimants on back to work schemes (including the partners of benefit

1 A Longitudinal Qualitative Study of the Journey’s of Single Parents on Jobseeker’s Allowance May 2012 http://issuu.com/spanbristol/docs/span__jsa_report_web
claimants who will need to become job seekers under the welfare changes). I am happy to meet and discuss the response in more detail and will be attending the Welfare Reform Consortium meeting on the 24th January.

About Single Parents

There are two million single parents (9:10 women) caring for three million children. The majority of single parents are already in work (61%). Both the previous and current Government have wanted to increase the number of single parents in employment. With welfare changes 400,000 single parents have moved onto job seeking benefits since 2008 (dependent on the age of their youngest child). Since 2012 a single parent whose youngest child has reached five years of age must look for work as a condition of receiving benefits. Single parents make up 10% of all JSA claimants and nearly 7.5% of all attachments on the Work Programme. From April 2014 single parents with children aged 3-4 (currently on Income Support) can be mandated to carry out work preparation activity including training (with sanctions for non-compliance). This will total an extra 135,000 single parents falling under the mandatory work activity provisions.

Rights and Responsibilities

As with every claimant on Jobseekers Allowance single parents must show how they will prepare and move into employment. These agreed actions are set out in their Jobseekers Agreement or the new Claimant Commitment. If these requirements are not met (and there is not good reason) then a single parent can be given a sanction as a penalty.

However, as well as being a job seeker single parents also have responsibility to care for their children (79% of single parents on JSA have a child aged 11 years or younger) and this responsibility is recognised in legislation. The Welfare Reform Act 2009 contains a provision to protect the wellbeing of children in relation to Jobseekers Agreements (and this is included in the Welfare Reform Act 2012 Claimant Commitment). There are also Lone Parent Flexibilities set out in Regulations including a right for single parents to restrict their job search to employment with part-time hours when they have a younger child (12 and under).

The UK Government is also committed to making all laws policy and practice compatible with the UN Convention on the Rights of the Child and these apply to contracted services. Like all public bodies the DWP, and contracted services on their behalf, have a public sector equality duty to eliminate unlawful discrimination and advance equality of opportunity between men and women. As such back to work services should be designed to take account of the particular needs of single parents.

SPAN have found that single parents can be told about their responsibilities as job seekers, including that they can be sanctioned, but it is not adequately communicated how their work preparation, including mandated back to work
activity, should also be tailored to take account of their caring responsibilities. This can lead to unrealistic and unachievable Jobseeker’s Agreements that in turn can lead to single parents being inappropriately sanctioned. From our evidence the flaws in the sanctions process begins with the inadequacy of Jobseeker’s Agreements (and the new Claimant Commitment), the inconsistent communication and application of flexibilities and the design and timings of the back to work services.

1. To what extent do JSA claimants understand that when they are referred to a 'back-to-work' scheme (such as the Work Programme) their benefit may be sanctioned if they don't take part?

Most single parents that SPAN interviewed about the Work Programme knew that they could be sanctioned for not participating (Work Programme Report 2012). Some parents particularly referred to their transfer letter which they thought concentrated on the sanctions that they might receive but did not include practical details that would help with their engagement such as whether childcare would be provided or how often they would attend.

One recollected their transfer letter warned, “We can stop your payment we can stop your application for JSA things like that.”

However, what was less clear to single parents was which instructions they should follow and how to deal with instructions that were unfair or unattainable.

All claimants including single parents should have a Jobseeker’s Agreement that should be applied by Jobcentre Plus and at the Work Programme. A Jobseeker’s Agreement sets out the activities that someone has agreed to do to prepare and find work and should reflect any restrictions on someone’s job preparation and job search to reflect their caring responsibilities. The Agreement should transfer with the single parent when they move onto the Work Programme.

In our survey of 40 single parents’ Jobseeking Agreements there was a wide variety in single parents experience of what was expected of them and the account taken of the needs of their children. In terms of the process of how the Agreement was reached 27 out of the 40 stated that the Agreement was drafted by their Adviser or that there were elements of the Agreement that were imposed on them (13 stated that the Agreement was negotiated with their Adviser at the Jobcentre and took account of their need to care for their child). 28 out of the 40 of the single parents in the survey had a child aged 12 or under and yet over half of all the parents had stated in their Agreement that they must work full-time or be prepared to do so. 16 of the single parents had written into their Agreement that they must travel at least sixty minutes each way from their home to a job. There were extreme examples in the survey of single parents with young children whose Agreements were imposed, where they were expected to apply for at least 10 jobs a week, apply for full-time hours jobs and be prepared to travel
ninety minutes each way for a job. The survey showed a lack of consistency in the expectations put on single parents and left a number exposed to unrealistic Agreements.

The DWP own commissioned research (2010\textsuperscript{4}) found that the majority of single parents were not aware of the specific flexibilities that could be open to them as job seekers "a proportion had been told they were allowed to only look for work that was during school hours (12%) or have the availability and costs of childcare taken into account when working out their availability to work (8%)".

The Work Programme Providers have therefore inherited some inconsistent practices in the application of Lone Parent Flexibilities from Jobcentre Plus. In addition we found that the Work Programme could sometimes go against the provisions of the Jobseeker’s Agreement and the application of flexibilities. For instance, the Work Programme instructed one single parent to apply for jobs where she would have to work Saturday and Sunday even though she had sole responsibility for her primary age child. Another single parents with primary age children and had school hours restriction written into her Agreement with the JCP but was then told by the Work Programme that she must also apply for any jobs with full-time hours (at least 8 a week). For another parent Jobcentre Plus had agreed that she did not have to sign on in person during the school holidays so that she could care for her child. She was then offered her first appointment at the Work Programme on the first day of her child’s school holiday. The Work Programme insisted she attend over the summer but she stood firm in order to care for her child. She had to wait the whole of the school holidays before she was told that the sanction decision was overturned.

Some Work Programme Providers asked single parents to sign additional agreements with them. Parents were confused as to whether they should sign such a document. One single parent felt unsure about a section of the additional agreement but was told that if she did not sign they would raise a compliance doubt that could lead to a sanction. She signed the document even though she did not agree with all the content because she was scared of getting a sanction.

So although single parents were aware that they could be sanctioned for not participating in the Work Programme they were unsure as to whose instructions they should follow and there was a concern about the lack of negotiation in the content of Jobseeker’s Agreements and additional agreements at the Work Programme.

\textbf{2. To what extent does a claimant’s failure to meet their conditions arise from them not having a sufficient understanding of what is expected? Are there ways in which this could be made clearer to them?}

\textsuperscript{4} Lone Parent Obligations – Destinations of Lone Parents after Income Support Eligibility Nov 2010 DWP

The design of the Work Programme services, with varied accommodation of single parents’ children’s needs makes it more difficult for them to attend and participate. Single parents could be aware of what was expected of them but then found that the lack of accommodation of children’s needs meant that they were more likely to live with the threat of sanctions (because their caring responsibilities meant they could not comply with attending a meeting) or meant that they were unable to take advantage of training opportunities (because these were set at times when they were responsible for their children such as school holidays or school pick up times).

There is no set provision for childcare for single parents whilst they are on the Work Programme.

“The Department places a general requirement on providers to deliver services flexibly to suit participants’ individual circumstances. That does not include a specific requirement to assist with childcare arrangements, and the Department does not hold information on the proportion of providers that may offer such assistance.” Mark Hoban 27th February 2013.

As a consequence of the lack of childcare provision some single parents needed to take their children with them to the Work Programme offices or rely on appointment and training times being scheduled whilst their children were at school. However, these offices cater for all types of job seekers including ex-offenders and there was divergence as to how. Seven of the 16 parents interviewed raised the issue of the lack of provision of the care of their children as an issue, including parents who were turned away from the Work Programme when they arrived with their children. One parent was instructed to leave her primary aged child in a room on her own (something her daughter did not like) whilst she had her appointment. The same parent was offered employability training but this was then withdrawn because it clashed with the school holidays and childcare was not provided.

There is also a lack of provision of childcare for single parents asked to carry out mandatory skills training. Such support can be given on a discretionary basis from the Flexible Support Fund at Jobcentre Plus but this is wholly at the adviser’s discretion leaving some parents exposed to the risk of sanctions.

For example from our work in Bristol

SPAN worked with a single parent (with a child in nursery 15 hours a week) who was on JSA and was mandated by the Jobcentre to go on a two-week full-time hours course in health and social care (with only a few days notice). Although the mother had some free nursery care these hours were rigid in the mornings only and were some distance from the proposed training. The Jobcentre offered no support in finding or funding additional childcare to cover the hours of the course or travel times to get to the course. The mother was told that if she did not attend the course she would be sanctioned. SPAN
used it’s own charitable funds to support the mother and her child offering childcare support in order that she could attend the course and not be sanctioned.

Consideration around school hours appointments for single parents on the Work Programme varied. Often appointment and training times are set without consultation at short notice (just by letter). One single parent attended a workshop and had to pay for her child to attend a breakfast club (with no funding from the Work Programme). Another parent was given an appointment that clashed with school drop off. When she tried to change the appointment she was told she must attend or lose her benefit.

An example from our online Forum One Space from Jane

“I am a single mum to an 8 year old who is doing well at school and he loves his life I would never burst his bubble but I am on a work programme and under the threat of a sanction where I am to lose all jsa for a set number of weeks (I am to be notified by post) as I’ve sent a reply stating why I think it’s unfair. I feel so useless and overwhelmed by the whole situation and my confidence packed its bag and upped and left.

The sanction is over a missed Thursday 9am appointment

My next appointment is 3 pm on a Monday

My advisor is well aware that my son is at school for 8.50 am it takes 25 minutes to get to WP I collect my son at 3.15 pm yet I am expected to attend at 3pm for 30 minutes. So I’ll be taking him out of school at 2.30pm I want to help him do well at school, attendance is a high priority of mine.”

The parent posted again on the following Monday

“All ready for this afternoon appointment with work programme provider arranged with the school to take my son out early I am not at all surprised work provider has cancelled again 5 hours before I am due but in and the one with the threat of a sanction still hanging over me like a big black cloud

I am going to be signing at JCP Wednesday as far as I know I’ll be sent another appointment in the post which frustrates me as I have no say in the times given and if its inconvenient I am still awaiting letter regarding sanctions.

The parent posted again in February 2013

“I am still waiting on sanction letter which been a few weeks now, Work Programme have arranged new interview by post, 25th Feb 3.00pm again.”
Despite reassurances from the Minister there is an inconsistency of approach and threats of sanctions to single parents where appointments or training clash with their need to care for their children.

Kerry McCarthy (Bristol East, Labour) **Hansard source** (Citation: HC Deb, 21 May 2012, c495W)

To ask the **Secretary of State** for Work and Pensions what arrangements are in place to ensure lone parents with children aged under 13 are not required to attend Work programme appointments outside of school hours.

Chris Grayling (Minister of State (Employment), Work and Pensions; Epsom and Ewell, Conservative)

When a lone parent with a child under 13 is referred to the Work programme Jobcentre Plus will notify the provider of any restrictions on the hours they can attend appointments.

Kerry McCarthy (Bristol East, Labour) **Hansard source** (Citation: HC Deb, 27 February 2013, c563W)

To ask the **Secretary of State** for Work and Pensions what his Department's policy is on whether a lone parent is referred for benefit sanctions for missing a Work Programme appointment as a result of their caring responsibilities.

Mark Hoban (Fareham, Conservative)

Sanctions will not be imposed without good reason. If a participant fails to attend an appointment, the provider will first discuss the reasons with the participant and seek practical solutions to any problems that have prevented attendance. It will be for the provider to decide whether or not to refer the circumstances to Jobcentre Plus. All decisions on benefit sanctions are made by Jobcentre Plus decision makers, based on the circumstances of each individual case.

At present no figures are kept for the reasons why sanctions are threatened or applied to single parents on the Work Programme. From the latest sanction figures for Jobseekers Allowance October 2012-June 2013 (DWP figures)\(^5\) single parents were more likely than non-single parents to have their sanction overturned (39% compared to 28%). For the low level sanctions (such as missing an appointment) the difference is even more stark (43% compared to 27%). Whilst it is positive that sanctions decisions

are overturned, single parents have to live with the initial financial consequence of being sanctioned and these sanctions could be avoided in the first place if greater account could be taken of their caring responsibilities.

3. Do sanctioned claimants understand why they have been sanctioned, and if not are there ways in which this could be made clearer to them?

It is common for single parents to only become unaware they have been sanctioned when their benefit payment is reduced. Where they do receive notification of a sanction this is usually by letter. There is a lack of clear communication and the process can appear daunting to some parents, especially where they have poor literacy or English is not their first language. Some single parents are left confused by a sanction because it does not appear to be reasonable.

Example from an interview with a single parent from our Jobseeker’s Agreement Survey

Sarah is a single parent who has three children aged 10, 13 and 14. She is on Jobseeker’s Allowance and for two years was on the Work Programme. She has recently transferred back to the Jobcentre.

She was sanctioned whilst on the Work Programme in November 2013. She needed to take one of her children to the orthodontist. She phoned the Work Programme the day before her appointment with them to tell them that she needed to reschedule because of accompanying her child to the orthodontist that was on the other side of city where she lives. She then received a letter (on the 14th November 2013) saying that she had been sanctioned and would lose her JSA for two weeks.

‘It was a bombshell for me I did not understand why I was sanctioned’.

Sarah has lodged an appeal with the help of a local charity but her case was not resolved when she was interviewed by SPAN on the 20th December.

Please also see the example of the single parent Jane whose example was given in an earlier section of the response.

4. Do sanctioned claimants feel informed throughout the sanctions process, and if not how could their awareness be improved?

The response to the previous question shows the poor communication that single parents can face in the sanctions process and the length of time that is taken to reach a final decision even where single parents have the lowest level of sanction imposed (and currently 43% of these decisions are overturned).
For example

Sarah has had a holding letter from the Jobcentre saying that her case has been referred for consideration but with no timetable for when this might happen. In the meantime she has lost two weeks of JSA. The letter set out that she could appeal and that she could apply for emergency financial help. Sarah was “worried and stressed” she was “panicking and could not eat”.

Losing even two weeks of JSA funds can have a significant impact on a single parent and their children. This can have a serious impact for months to follow while a final sanction decision is being decided.

For example

A local charity worker helped Sarah when she ran out of money when she was sanctioned. She helped her get an emergency payment from the Council to pay £30 towards her gas and electricity (which was running out). They also got her in touch with a local Christian charity that gave her a food parcel.

The sanctions process needs to be speeded up (with figures kept on the time taken to reach decisions). It would also be reasonable for single parents to be interviewed and kept informed about their sanction process and decision through a named person at the Jobcentre. Evidence has shown that such support is better undertaken by a Lone Parent Adviser. Lessons also need to be learnt from inappropriate sanctioning so that such sanctions are not imposed on people in similar circumstances in the future.

5. To what extent are sanctioned claimants aware of the help available to them from Jobcentre Plus? For instance are they aware of how to appeal a decision or how to seek help through hardship payments? Are there ways in which this could be made clearer to them?

As stated single parents usually become aware of a sanction when their benefit is reduced and they receive a letter. The sanctions letter can set out the appeal process and about hardship payments. For some single parents this can be adequate (apart from the points raised about timings and being kept informed) but some other single parents can still find the letter hard to understand and to navigate an appeal.

For example

Sarah relied on charity workers to help her in the aftermath of the sanction. She sought help from a local charity. They helped her to understand the letter and how to appeal. The worker helped her write a letter and this worker also spoke to the officials at the Jobcentre. Sarah found the system hard to understand and negotiate herself. She
did not get help from the Jobcentre or the Work Programme to deal with the impact of the sanction or how to appeal.

It was clear from the interview with Sarah that there is insufficient help from statutory services to navigate the sanctions process. It was also difficult to see how the sanction process helped move Sarah nearer to finding employment. Losing her JSA had a significant impact on her finances. She relied on emergency and charity help to keep her family warm and fed.

In Conclusion and Practical Asks

In order for the conditionality regime to be effective and to change behavior it is important that the resultant sanctions process is readily understood and fair. At present the system is inconsistent. Whilst some single parents have reasonable expectations put upon them on back to work schemes others have unrealistic and unachievable action plans. The design and the timings of back to work services can also put single parents at a disadvantage making it harder with them to comply with their instructions and to attend training. As outlined the first stage of the examination of the sanctions process needs to start not from the sanctions letter to a claimant but the Jobseeking Agreements that they are asked to sign. These Agreements need to better reflect the personal circumstances of a claimant such as someone’s caring responsibilities and services should be designed for the different needs of claimants. Presently there is too much variation in what is expected of claimants and this is resulting in some inappropriate sanctioning. Such sanctioning is unlikely to help claimants move into work.

Below are some practical asks to improve the sanctions regime:

Jobseeker’s Agreements or Claimant Commitments

- Ensure that Jobseeker’s Agreements or Claimant Commitments are realistic and achievable reflecting the single parent’s dual responsibility to care for their children. Jobseeker’s Agreements and Claimant Commitments should reflect Lone Parent Flexibilities and children’s wellbeing and should be consistently applied on the Work Programme.
- Single parents should have the right to have their Jobseekers Agreement reviewed with a lone parent specialist before transfer to the Work Programme and a procedure for appealing the content of an Agreement.
- Any action planning set by the Work Programme must reflect the provisions and restrictions set out in a single parents Jobseeker’s Agreement or Claimant Commitment.

Sanctions Process

- Fast track a sanction for review where a jobseeker thinks that the sanction goes against a Jobseeker’s Agreement (such as being
sanctioned for not attending a 3.30pm appointment where their Agreement states that they only need to attend appointments during school hours).

• Single parents are more likely than job seekers overall to have their sanction overturned. It is important that lessons are learnt from inappropriate sanctions. At present no figures are kept for the reasons why sanctions are threatened or applied to single parents on the Work Programme ⁶ “Information on sanction decisions by client group is not available” (Chris Grayling).

• Provide more detail about the characteristics of claimants who are sanctioned, the duration of the sanction and the reasons for the sanction and these should be communicated to Jobcentre Plus and Work Programme Advisers. There should be a record kept of the decision makers rejected sanctions so that providers are discouraged from applying similar sanctions in the future. These decisions should be shared with providers so that inappropriate sanctions can be avoided in the future. These should also be made available to the public.

• Fund the voluntary sector for their advocacy work with claimants who have been sanctioned under the back to work schemes and need additional support to understand and navigate the sanctions process.

Design of Services

• There should be additional training at Jobcentre Plus and Work Programme Providers to improve advisers understanding of the needs of single parents and the flexibilities that should be open to this group and the potential difficulties of attending appointments and training (particularly at short notice and without childcare).

• Take account of the school year when devising training and mandated work activity for single parents. It will be more feasible for them to attend during term time with less need for childcare.

• There are some providers of skills training such as Women Like Us who provide training specifically during school hours or always offer crèche facilities with training (such as SPAN). The DWP (and Work Programme Providers) should consider such training courses or commission providers who include onsite childcare provision. They could also consider providing courses and training at Childcare

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⁶ Parliamentary Question about single parents on the Work Programme and Sanctions Kerry McCarthy MP 21 May 2012. HC Deb, 21 May 2012, c495W)
Centres. These measures will enable parents to improve their skills whilst also ensuring proper care for their children.

- For parents with children aged up to 12 should have appointment times set during school hours (allowing sufficient time for school drop off and pick up) and provision set out for school holidays.
- There should be a procedure in place for parents to change an appointment or not attend training or mandated work activity when their child is unwell or is attending a medical appointment and is off school.
- Childcare provision for mandated training or work activity should not be discretionary. If funds or provision of childcare is not provided then single parents should not be mandated to attend.
- At present single parents as a user group on the Work Programme do not attract any more funding than a standard job seeker. The Government should offer providers additional financial resources for supporting single parents and at least allow single parents on the Work Programme access to the Flexible Support Fund from the Jobcentre.